THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

Writ Petition Nos.25474 of 1997 and 22772 of 1998

Date: 7th February, 2007

W.P.No.25474 of 1997

Between:
Visaka Slum Teachers Association
(Urban Community Development Project)
Regd.No.1274/93, rep. by its President
P.Papa Rao S/o.P.Srihari,
Aged about 28 years, Occ: Teacher,
R/o.Door No.71-31-177,
Kakaralova, Gandhigram (Post),
Visakhapatnam.

..... Petitioner

AND

1. The Government of Andhra Pradesh rep. by its Secretary, Department of Municipal Administration and Urban Development, Secretariat of A.P., Hyderabad and two others.

.....Respondents

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W.P.No.22772 of 1998

Between:
Visakhapatnam Municipal Corporation Employees Union (CITU), Regd. No.D/1079/89,
Door No.28-6-8, Jagadamba Centre,
Visakhapatnam rep. by its Secretary
M.Sureedu.

..... Petitioner

AND

1. The Government of Andhra Pradesh rep. by its Secretary, Municipal Administration, Secretariat Buildings, Hyderabad and another.

.....Respondents

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THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

Writ Petition Nos.25474 of 1997 and 22772 of 1998

COMMON ORDER:

These writ petitions are filed by the Visaka Slum Teachers Association and the Visakhapatnam Municipal Corporation Employees Union, seeking regularization of the services of its members, who are Balwadi teachers, Midwifes, sewing teachers, teachers in adult and non-formal education and Community Health Volunteers.

2. The names of the persons, whose services are sought to be regularized, are mentioned in the material papers filed along with these writ petitions.

3. It is the case of the petitioner-Unions that these persons had worked for more than ten years prior to the date of filing of the writ petitions and that they are entitled for regularization in terms of G.O.Ms.No.212, Finance and Planning (FW.PC.III) Department, dated 22.04.1994.

4. The fact that these employees were working for more than ten years, prior to the date of filing of the writ petitions, is admitted by the respondents in their

counter-affidavits. The stand taken by them, for denying these employees the benefit of regularization in terms of G.O.Ms.No.212, dated 22.04.1994, is that they are all volunteers, had voluntarily chosen to work on an honorarium basis and, as such, were not entitled for regularization. The nomenclature given to the post held by these employees apart, the fact that they worked and discharged duties for longer periods than even the regular employees, as specifically asserted in the affidavit filed in support of the writ petitions, is not denied by the respondents in the counter-affidavits.

5. Since it is not in dispute that these employees discharge regular nature of work, which the respondent- Corporation is engaged in, and it is stated by both, *Sri G. Vidya Sagar* and *Smt.Padma Saranappa,* that the persons referred to in the writ petitions continue to work till date, there is no justification for the respondents to deny consideration of their cases in accordance with the scheme for regularization formulated in G.O.Ms.No.212, dated 22.04.1994. In this context it is also required to be noted that the government had issued G.O.Rt.No.1498, dated 30.11.1982, for absorption of voluntary workers on regular basis in the Municipal Corporation of Hyderabad.

6. It would meet the ends of justice, if the

petitioner-Unions is permitted to submit a detailed representation, giving particulars of all such employees, who are entitled for regularization, and the respondents are directed to consider the cases of those employees for regularization in accordance with G.O.Ms.No.212, dated 22.04.1994, subject, of course, that the conditions stipulated therein are fulfilled. Both *Sri G. Vidya Sagar* and *Smt.Padma Saranappa*, learned counsel for the petitioner-Unions, would submit that the petitioner-Unions would make a representation to the second respondent within a period of four weeks from the date of receipt of the copy of this order. The second respondent shall, on receipt of such representations, examine the factual details and submit a report to the first respondent within two months thereafter. The first respondent shall, on receipt of a report from the second respondent, consider the case of such of those employees, who satisfied the requirements of G.O.Ms.No.212, dated 22.04.1994, for regularization in terms thereof, within a period of four months from the date of receipt of the report from the second respondent.

7. Both the writ petitions are, accordingly, disposed of. However, in the circumstances, without costs.

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RAMESH RANGANATHAN, J.

Date:07th February, 2007.

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